

Changed Pages
H.R. 4319
Section-by-Section Explanation

Revised as of July 15, 2004

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
876(a)(1)	Unnecessary. Authorizes the Secretary of Transportation to make rules and regulations to carry out the Merchant Marine Act, 1920. See 49 U.S.C. 322(a).
876(a)(2)	42101
876(a)(3)	42102
876(b), (c)	42102
876(d)	42103
876(e)	42101
876(f), (g)	42104
876(h)	42105
876(i)	42106
876(j)	42107
876(k)	42108
876(l)	42109
877	55101
883 (words before 1st proviso)	55102
883 (1st proviso, 2d proviso less meaning of "rebuilt")	12132
883 (2d proviso related to meaning of "rebuilt")	12101
883 (3d proviso)	55116
883 (4th proviso)	55119
883 (5th proviso)	55117
883 (6th proviso)	55107
883 (7th proviso)	55106
883 (8th proviso)	Expired in 1984. Related to transportation of merchandise in coastwise trade.
883 (2d-6th sentences, last sentence less provisos)	55105
883 (10th proviso)	55115
883 (11th proviso)	55102
883 (12th proviso)	55110
883 (last proviso)	55108
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883-1	12118
883a (1st sentence)	12139
883a (2d, last sentences)	12151
883b	Unnecessary. Authorizes the Secretary of Transportation to prescribe regulations to carry out certain provisions. See 49 U.S.C. 322(a).
884	58108
885	Transfer to 15 U.S.C. 38.
887	Unnecessary. Contains a separability provision for the Merchant Marine Act, 1920.
888	Unnecessary. Incorporates definitions from 46 App. U.S.C. 801-803 and defines "alien" for purposes of the Merchant Marine Act, 1920. See definitions in chapter 1 and section 50501 of the revised title.
889	Unnecessary. Provides short title for the Merchant Marine Act, 1920.
891	50101
891b	57106
891c	Obsolete and unnecessary. Recognizes the need for replacement vessels owned by the United States and directs the Secretary of Transportation to present recommendations to Congress for new vessels.
891u	Obsolete. Defines terms for purposes of the Merchant Marine Act, 1928.
891v	Obsolete. Reaffirms the policy of 46 App. 866. See disposition of that section in this table.
891w	Obsolete. Relates to the allocations of operations of ships under the Merchant Marine Act, 1928. Executed for 1928 vessel inventory and impliedly repealed by 1950 freeze. See § 14 of Act of Mar. 8, 1946 (50 App. U.S.C. 1735 note).

Fix
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891x
1101
1111(a), (b)
1111(c) (related to seal)
1111(c) (related to reco)
1111(c) (related to rules)
1111(d) (related to Com)
1111(d) (related to Secr)
1111(e)
1111(f) (1st, last senter)
1111(f) (2d sentence rel)
1111(f) (2d sentence rel)
1111 note (Pub. L. 89-5)
1111 notes (Reorg. Plan)
1111a
1112
1114
1115
1116, 1116a
1117 (related to Commis)
1117 (related to Secreta)
1118 (related to Commis)
1118 (related to Secreta)
1118 note (Pub. L. 106-119)
1120
1121(a)-(c)
1121(d)
1121(e)
1121(f)
1121(g)
1121(h), (i)
1121(j) (words before 1s)
1121(j) (words between)
1121(j) (words after 2d)
1121-1
1121-2
1122(a)
1122(b)(1)
1122(b)(2)
1122(c)
1122(d)
1122(e)
1122(f)
1122(g)

Title 46 Appendix—Continued

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19 U.S.C. 322(a).

transportation of merchandise in

Secretary of Transportation to
carry out certain provisions. See

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definitions from 46 App. U.S.C.
'alien' for purposes of the Mer-
See definitions in chapter 1 and
ised title.
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Recognizes the need for replace-
the United States and directs the
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purposes of the Merchant Marine

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is table.

Locations of operations of ships
ine Act, 1928. Executed for 1928
plied repealed by 1950 freeze.
8, 1946 (50 App. U.S.C. 1735

Section	Disposition (Title 46 unless otherwise specified)
891x	Unnecessary. Provides short title for the Merchant Marine Act, 1928.
1101	50101
1111(a), (b)	Previously repealed.
1111(c) (related to seal)	301
1111(c) (related to records)	303
1111(c) (related to rules and regulations)	305
1111(d) (related to Commission)	307
1111(d) (related to Secretary)	Unnecessary. Authorizes expenditures and appropriations under the Merchant Marine Act, 1936.
1111(e)	Unnecessary. Authorizes the Federal Maritime Commission and the Secretary of Transportation to employ personnel. See 5 U.S.C. 3101 and 49 U.S.C. 323.
1111(f) (1st, last sentences)	Unnecessary. Provides for traveling and subsistence expenses. See 5 U.S.C. ch. 57.
1111(f) (2d sentence related to Commission)	Obsolete. Provides for additional pay of military officers detailed to Federal Maritime Commission.
1111(f) (2d sentence related to Secretary)	49 U.S.C. 109. See § 11 of bill.
1111 note (Pub. L. 89-56)	301
1111 notes (Reorg. Plans)	See disposition table for Reorg. Plans following this table.
1111a	Obsolete. Restricts expenditures for administrative expenses by the Federal Maritime Commission and the Secretary of Transportation. Presumably only intended to apply, as originally enacted, to the U.S. Maritime Commission, which has been abolished.
1112	50303
1114	Obsolete. Provided that functions of the former U.S. Shipping Board under certain laws, which previously had been transferred to the Department of Commerce, were transferred to the Federal Maritime Commission and the Secretary of Transportation.
1115	58107
1116, 1116a	Obsolete. Provides for creation of a construction fund for use by the Department of Transportation. Impliedly repealed by 46 App. U.S.C. 1119.
1117 (related to Commission)	Obsolete. Authorizes the Federal Maritime Commission to make contracts and disbursements under the Merchant Marine Act, 1936, and provides for auditing the Commission's financial transactions.
1117 (related to Secretary)	49 U.S.C. 109. See § 11 of bill.
1118 (related to Commission)	306
1118 (related to Secretary)	50111
1118 note (Pub. L. 106-398, [§ 3506])	50111
1119	49 U.S.C. 109. See § 11 of bill.
1120	50102
1121(a)-(c)	50103
1121(d)	50105
1121(e)	50106
1121(f)	50109
1121(g)	50106
1121(h), (i)	50109
1121(j) (words before 1st semicolon)	50105
1121(j) (words between 1st and 2d semicolons)	50110
1121(j) (words after 2d semicolon)	50109
1121-1	55301
1121-2	50110
1122(a)	50104
1122(b)(1)	50108
1122(b)(2)	50105
1122(c)	50105
1122(d)	50110
1122(e)	Previously repealed.
1122(f)	50108
1122(g)	50111

*Inserted from
attached page*

Also originally provided the former United States Maritime Commission, and later the FMC and the Secretary, with authority to prescribe regulations. This grant of regulatory authority to the FMC and the Secretary is unnecessary because it is provided by other law. See section 305 of title 46 (as enacted by this bill) and section 322(a) of title 49.

1. Definitions	101
3. Federal Maritime Commission	301
5. Other General Provisions	501

CHAPTER 1—DEFINITIONS

- Sec.
101. Agency.
 102. Barge.
 103. Boundary Line.
 104. Citizen of the United States.
 105. Consular officer.
 106. Documented vessel.
 107. Exclusive economic zone.
 108. Fisheries.
 109. Foreign commerce or trade.
 110. Foreign vessel.
 111. Numbered vessel.
 112. State.
 113. Undocumented.
 114. United States.
 115. Vessel.
 116. Vessel of the United States.

SECTION 101

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101	(no source).	

A definition of "agency" is added to avoid having to repeat the substance of the definition at various places in the revised title.

SECTION 102

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
102	46:2101(2).	

SECTION 103

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
103	46:2101(3).	

SECTION 104

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
104	46:2101(3a).	

> The words "or an individual citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled in the Northern Mariana Islands within the meaning of section 1005(e) of the Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1681 note)" are omitted because the Covenant referred to became effective November 4, 1986, making citizens of the Northern Mariana Islands citizens or non-citizen nationals of the United States.

The words "when used in reference to a natural person" are added because of provisions in the title which treat entities as citizens.

Sec.

was enacted as part
1983. That provision
, 1884, ch. 121, 23
ion appeared at 46
U.S.C. 2108, the scope
ably inadvertently.
to its prior scope.
to "the authority to
the Act of June 26,
it been replaced by

Statutes at Large

858, title VIII, § 806(d); as
939, ch. 417, § 13, 53 Stat.
-31, § 12(125), Aug. 6, 1981,

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currently in title 46
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1 is amended by sec-
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Homeland Security,
See section 1 of title
meland Security Act
, and section 888(b)

OF VESSELS

L DOCUMENTATION

side the United States.
oa, and Northern Mariana

- 12117. Oil spill response vessels.
- 12118. Owners engaged primarily in manufacturing or mineral industry.
- 12119. Owners engaged primarily in leasing or financing transactions.
- 12120. Liquified gas tankers.
- 12121. Small passenger vessels and uninspected passenger vessels.

SUBCHAPTER III—MISCELLANEOUS

- 12131. Command of documented vessels.
- 12132. Loss of coastwise trade privileges.
- 12133. Duty to carry certificate on vessel and allow examination.
- 12134. Evidentiary uses of documentation.
- 12135. Invalidation of certificates of documentation.
- 12136. Surrender of certificates of documentation.
- 12137. Recording of vessels built in the United States.
- 12138. List of documented vessels.
- 12139. Reports.

SUBCHAPTER IV—PENALTIES

- 12151. Penalties.
- 12152. Denial or revocation of endorsement for non-payment of civil penalty.

SUBCHAPTER I—GENERAL

SECTION 12101

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12101(a)	46:12101(a)(2). 46 App.:883 (2d proviso related to meaning of "rebuilt").	June 5, 1920, ch. 250, § 27 (2d proviso related to meaning of "rebuilt"), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; July 14, 1956, ch. 600, § 1, 70 Stat. 544; Pub. L. 86-583, § 1, July 5, 1960, 74 Stat. 321; Pub. L. 100-239, § 6(c)(1), Jan. 11, 1988, 101 Stat. 1782.
12101(b)	46:12101(b).	

In subsection (a), the words "its territories" and "or its possessions" are omitted because of the definition of "United States" in chapter 1 of the revised title. The words "(not including trust territories)" are omitted because the Trust Territory of the Pacific Islands has terminated. See 48 U.S.C. 1681 note prec.

SECTION 12102

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12102(a)	46:12106(b). 46:12108(b). 46:12110(a).	
12102(b)	46:12102(a) (related to tonnage).	
12102(c)	46:12110(b).	

In subsection (c), the words "(except the Great Lakes)" are omitted because of the repeal of the requirement for a Great Lakes endorsement under prior 46 U.S.C. 12107.

SECTION 12103

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12103(a)	46:12102(a) (less owner- ship), (b) (1st sen- tence).	

SECTION 12103—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12103(b)	46:12102(a) (related to ownership)	
12103(c)	46:12102(b) (last sentence).	

Current section 12102(a) of title 46 provides that a vessel is eligible for documentation only if owned by an individual who is a citizen of the United States or by one of several entities meeting certain requirements. That provision is restated so as to require that the vessel be owned only by citizens and to create the legal fiction that certain entities are deemed to be citizens for this purpose. This restores the historical requirement that generally a vessel may be documented only if wholly owned by citizens. It also provides for consistency with various other provisions of law which require ownership only by citizens, and for consistency with the current regulations which provide that a vessel normally is eligible for documentation only if wholly owned by citizens. See 46 C.F.R. § 67.5 (2002).

In subsection (b)(1), the words "(B) that is capable of holding title to a vessel under the laws of the United States or of a State" are omitted as unnecessary.

SECTION 12104

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12104(a)	46:12103(a) (related to filing by owner), (b)(1).	
12104(b)	46:12103(b)(2).	

SECTION 12105

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12105(a)	46:12103(a) (less filing by owner).	
12105(b)	46:12103a.	
12105(c)	46:12103(c).	
12105(d)	46:12103(d).	

In subsection (b), the words "eligible under" are substituted for "if the applicant for the certificate of documentation meets the requirements set out in" for consistency in the chapter and to eliminate unnecessary words.

SECTION 12106

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12106	46:12124	

<i>Revised Section</i>	
12107	46 A las

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SUBCHAPTER

<i>Revised Section</i>	
12111(a)	46:12
12111(b)	46:12
12111(c)	46:12

<i>Revised Section</i>	
12112(a)	46:12
12112(b)	46:12

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<i>Revised Section</i>	
12113(a)	46:12
12113(b)(1)	46:12
12113(b)(2)	46:12
12113(c)(1)	46:12
12113(c)(2)	46:12
12113(c)(3)	46:12
12113(d)	46:12
12113(e)	46:12
12113(f)	46:12
12113(g)	46:12
12113(h)	46:12
12113(i)	46:12

SECTION 12107

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12107	46 App. 14 (words before last proviso).	R.S. § 4136 (words before last proviso); Feb. 24, 1915, ch. 57, 38 Stat. 812; Pub. L. 103-182, title VI, § 686(a)(4), Dec. 8, 1993, 107 Stat. 2220.

The words "The Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement" and "when purchased by a citizen or citizens of the United States" are omitted as unnecessary because section 12112, as revised by the bill, provides the requirements for a wrecked vessel to obtain a coastwise endorsement.

In subsection (c)(1), the words "or her possessions" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

SUBCHAPTER II—ENDORSEMENTS AND SPECIAL DOCUMENTATION

SECTION 12111

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12111(a)	46:12105(a).	
12111(b)	46:12105(b).	
12111(c)	46:12102(d).	

SECTION 12112

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12112(a)	46:12106(a).	
12112(b)	46:12106(b).	

In subsection (b), the word "only" is omitted because section 12102(a), as revised by the bill, contains a general requirement for appropriate documentation to engage in any trade.

SECTION 12113

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12113(a)	46:12108(a).	
12113(b)(1)	46:12108(b).	
12113(b)(2)	46:12102(c)(3).	
12113(c)(1)	46:12102(c)(1).	
12113(c)(2)	46:12102(c)(2).	
12113(c)(3)	46:12102(c)(4).	
12113(d)	46:12102(c)(5).	
12113(e)	46:12102 note.	Pub. L. 105-277, div. C, title II, § 203(c), Oct. 21, 1998, 112 Stat. 2681-619.
12113(f)	46:12102 note.	Pub. L. 105-277, div. C, title II, § 203(d), Oct. 21, 1998, 112 Stat. 2681-619.
12113(g)	46:12108(d).	
12113(h)	46:12102 note.	Pub. L. 105-277, div. C, title II, § 203(e), Oct. 21, 1998, 112 Stat. 2681-619.
12113(i)	46:12102 note.	Pub. L. 105-277, div. C, title II, § 203(b), Oct. 21, 1998, 112 Stat. 2681-619.

See section 12(b)(1) of this bill for an amendment to subsection (c)(3) of this section.

30505. General limit of liability.
 30506. Limit of liability for personal injury or death.
 30507. Apportionment of losses.
 30508. Provisions requiring notice of claim or limiting time for bringing action.
 30509. Provisions limiting liability for personal injury or death.
 30510. Vicarious liability for medical malpractice.
 30511. Action by owner for limitation.
 30512. Liability as master, officer, or seaman not affected.

SECTION 30501

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30501	46 App.:186.	R.S. § 4286.

The words "In this chapter" are substituted for "within the meaning of the provisions of title 48 of the Revised Statutes relating to the limitation of the liability of the owners of vessels" because of the codification of title 46, United States Code. The word "supplies" is substituted for "victual" for clarity. The words ~~"at his own expense, or by his own procurement"~~ and "and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof" are omitted as unnecessary.

SECTION 30502

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30502	46 App.:188.	R.S. § 4289; Feb. 18, 1875, ch. 80, § 1 (related to R.S. § 4289), 18 Stat. 320; June 19, 1886, ch. 421, § 4, 24 Stat. 80; June 5, 1936, ch. 521, § 4, 49 Stat. 1481.

SECTION 30503

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30503	46 App.:181.	R.S. § 4281.

In subsection (a), the words "load" and "loading" are substituted for "lade" and "lading" to use more common terminology. The words "person receiving the item" are substituted for "master, clerk, agent, or owner of such vessel receiving the same" to eliminate unnecessary words. The words "thereof in any form or manner" and "and according to the character thereof so notified and" are omitted as unnecessary.

In subsection (b), the words "precious metals" are substituted for "platina, gold, gold dust, silver, . . . or other precious metals, . . . gold or silver in a manufactured or unmanufactured state", the words "precious stones" are substituted for "diamonds, or other precious stones", the words "watches, clocks" are substituted for "watches, clocks, or timepieces of any description", the words "coins, bills, securities" are substituted for "bullion, . . . coins, . . . bills of any bank or public body, . . . orders, notes, or securities for the payment of money", the word "papers" is substituted for "writings, title deeds", and the word "silks" is substituted for "silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material", to eliminate unnecessary words. The words "and similar items of high value and small

size" are added in the source will be covered.

Revised Section

30504

The words "make good" are substituted for "shipped, taken" "caused by" by means of "nate unneces

Revised Section

30505

In subsection of this title" in subsection restated in s American or 30502 of the cause, on account bezzlement, goods, or me for any loss, or thing, loss in 46 App. U in 46 App. U "is limited to stituted for " vessel, and h for "the aggregate of the same pending" in 4 necessary wo of such owner liability of a all debts and to the whole That this protection the owners is necessary.

Subsection wages due to U.S.C. 189 b

size" are added to ensure that any of the items specifically named in the source but omitted in the revised section, or similar items, will be covered by this section.

SECTION 30504

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30504	46 App.:182.	R.S. § 4282.

The words "liable for" are substituted for "liable to answer for or make good to any person", the words "merchandise on the vessel" are substituted for "any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel", and the words "caused by a fire on the vessel" are substituted for "by reason or by means of any fire happening to or on board the vessel", to eliminate unnecessary words.

SECTION 30505

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30505	46 App.:183(a).	R.S. § 4283(a); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1479.
	46 App.:189	June 26, 1884, ch. 121, § 18, 23 Stat. 57.

In subsection (a), the words "Except as provided in section 30506 of this title" are substituted for "except in the cases provided for in subsection (b) of this section" because 46 App. U.S.C. 183(b) is restated in section 30506 of the revised title. The words "whether American or foreign" are omitted as unnecessary because of section 30502 of the revised title. The words "any claim arising from any cause, on account of that ownership" are substituted for "any embezzlement, loss, or destruction by any person of any property, goods, or merchandise shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred," in 46 App. U.S.C. 183(a) and for "any or all debts and liabilities" in 46 App. U.S.C. 189 to eliminate unnecessary words. The words "is limited to the value of the vessel and pending freight" are substituted for "shall not . . . exceed the amount or value of . . . such vessel, and her freight then pending" in 46 App. U.S.C. 183(a) and for "the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending" in 46 App. U.S.C. 189 for consistency and to eliminate unnecessary words. The last sentence is substituted for "the interest of such owner in" in 46 App. U.S.C. 183(a) and for "The individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole" for clarity and consistency. The words "Provided, That this provision shall not prevent any claimant from joining all the owners in one action" in 46 App. U.S.C. 189 are omitted as unnecessary.

Subsection (b) is substituted for "nor shall the same apply to wages due to persons employed by said shipowners" in 46 App. U.S.C. 189 because of the reorganization of the source provisions.

Shall not exceed

for bringing action.
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(Statutes at Large)

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manner as if navi-
ecessary.

(Statutes at Large)

3, 1875, ch. 80, § 1 (related to
Stat. 320; June 19, 1886, ch.
80; June 5, 1936, ch. 521,

(Statutes at Large)

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SECTION 40102—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40102(7)	46 App.:1702(7).	
40102(8)	46 App.:1702(8).	
40102(9)	46 App.:1702(9).	
40102(10)	46 App.:1702(10).	
40102(11)	46 App.:1702(11).	
40102(12)	46 App.:1702(12).	
40102(13)	46 App.:1702(13).	
40102(14)	46 App.:1702(14).	
40102(15)	46 App.:1702(15).	
40102(16)	46 App.:1702(17)(B).	
40102(17)	46 App.:1702(16).	
40102(18)	46 App.:1702(17)(A).	
40102(19)	46 App.:1702(17) (1st sentence).	
40102(20)	46 App.:1702(19).	
40102(21)	46 App.:1702(20).	
40102(22)	46 App.:1702(21).	
40102(23)	46 App.:1702(22).	
40102(24)	46 App.:1702(23).	
40102(25)	46 App.:1702(24).	

In the definition of "service contract", the words "The contract may also specify provisions in the event of nonperformance on the part of any party" are omitted as unnecessary and inappropriate for a definition.

In the definition of "shipper", the words "non-vessel-operating common carrier" are substituted for "ocean transportation intermediary, as defined in paragraph (17)(B) of this section" because paragraph (17)(B) contains a definition of "non-vessel-operating common carrier" which is restated as a separate definition.

The definition of "Commission" is omitted because the full name of the Federal Maritime Commission is used the first time the Commission is referred to in each section. The definition of "person" is omitted as unnecessary because of 1 U.S.C. 1. The definition of "United States" is omitted because the term is defined in chapter 1 of the revised title for purposes of the title.

SECTION 40103

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40103	46 App.:1715.	Pub. L. 98-237, § 16, Mar. 20, 1984, 98 Stat. 84; Pub. L. 105-258, title I, § 114, Oct. 14, 1998, 112 Stat. 1912.

SECTION 40104

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40104	46 App.:1714.	Pub. L. 98-237, § 15, Mar. 20, 1984, 98 Stat. 84; Pub. L. 98-595, § 3(b)(3), Oct. 30, 1984, 98 Stat. 3133; Pub. L. 105-258, title I, § 113, Oct. 14, 1998, 112 Stat. 1912.

CHAPTER 403—AGREEMENTS

- Sec.
40301. Application.
40302. Filing requirements.

40303. Content requ
40304. Commission
40305. Assessment a
40306. Nondisclosure
40307. Exemption fr

Revised Section	Source
40301(a)	46 App.
40301(b)	46 App.
40301(c)	46 App.
40301(d)	46 App.
40301(e)	46 App.

Revised Section	Source
40302	46 App.

Revised Section	Source
40303(a)	46 App.
40303(b)	46 App.
40303(c)	46 App.
40303(d)	46 App.

In subsection (c)(8) sary.

Revised Section	Source
40304(a)	46 App.:1
40304(b)	46 App.:1
40304(c)	46 App.:1
40304(d)	46 App.:1
40304(e)(1)	46 App.:1
40304(e)(2)	46 App.:1
40304(f)	46 App.:1

SECTION 40901

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40901(a)	46 App.:1718(a).	Pub. L. 98-237, § 19(a), (d), Mar. 20, 1984, 98 Stat. 87, 88; Pub. L. 105-258, title I, § 116, Oct. 14, 1998, 112 Stat. 1912.
40901(b)	46 App.:1718(d).	

SECTION 40902

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40902	46 App.:1718(b).	Pub. L. 98-237, § 19(b), Mar. 20, 1984; added Pub. L. 105-258, title I, § 116(4), Oct. 14, 1998, 112 Stat. 1913.

In subsection (b), in clauses (2) and (3), the words "described in section 1702(17) of this Appendix" are omitted as unnecessary.

SECTION 40903

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40903	46 App.:1718(c).	Pub. L. 98-237, § 19(c), Mar. 20, 1984, 98 Stat. 88; Pub. L. 105-258, title I, § 116, Oct. 14, 1998, 112 Stat. 1912.

In subsection (a)(2), the words "lawful" and "rule" are omitted as unnecessary.

SECTION 40904

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40904	46 App.:1718(e).	Pub. L. 98-237, § 19(e), Mar. 20, 1984, 98 Stat. 88; Pub. L. 105-258, title I, § 116, Oct. 14, 1998, 112 Stat. 1912.

In ~~subsections (a) and (d)~~, the words "ocean freight forwarder" are substituted for "ocean transportation intermediary, as defined in section 1702(17)(A) of this Appendix" and "ocean transportation intermediary, ~~as so defined~~" because the definition of "ocean transportation intermediary" in section 1702(17)(A) contains a definition of "ocean freight forwarder" which is restated as a separate definition.

In subsection (d)(1), the word "calendar" is omitted as unnecessary.

CHAPTER 411—PROHIBITIONS AND PENALTIES

- Sec.
- 41101. Joint ventures and consortiums.
 - 41102. General prohibitions.
 - 41103. Disclosure of information.
 - 41104. Common carriers.
 - 41105. Concerted action.
 - 41106. Marine terminal operators.
 - 41107. Monetary penalties.
 - 41108. Additional penalties.
 - 41109. Assessment of penalties.

Source (Statutes at Large)

§ 9(b), Mar. 20, 1984, 98 Stat. 85-258, title I, § 108(5)-(7), Oct. 14, 1998, 112 Stat. 1912.

Source (Statutes at Large)

§ 9(c) (1st sentence), Mar. 20, 1984, 98 Stat. 85-258, title I, § 108(5)-(7), Oct. 14, 1998, 112 Stat. 1912.

Source (Statutes at Large)

§ 9(c) (last sentence), (d), Mar. 20, 1984, 98 Stat. 85-258, title I, § 108(5)-(7), Oct. 14, 1998, 112 Stat. 1912.

ling under subsection for clarity.

Source (Statutes at Large)

§ 9(e), Mar. 20, 1984, 98 Stat. 85-258, title I, § 108(16), Oct. 14, 1998, 112 Stat. 1912.

ing any other law" are

this section

Source (Statutes at Large)

§ 9(f), Mar. 20, 1984, 98 Stat. 85-258, title I, § 108(17)-(19), Oct. 14, 1998, 112 Stat. 1912.

are substituted for

PORTATION

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50301(a)	46 App.:1241a (1st sentence).	June 2, 1951, ch. 121 (pars. under heading "Vessel Operations Revolving Fund"), 65 Stat. 59; Pub. L. 97-31, § 12(128), Aug. 6, 1981, 95 Stat. 165.
50301(b)	46 App.:1241a (2d sentence words before 2d proviso).	
50301(c)	46 App.:1241a (2d sentence 2d proviso).	
50301(d)	46 App.:1241a (2d sentence last proviso).	
50301(e)	46 App.:1241a (last sentence).	
50301(f)	46 App.:1241b.	June 20, 1956, ch. 415, title I, § 101 (4th complete par. on p. 319), 70 Stat. 319; Pub. L. 97-31, § 12(129), Aug. 6, 1981, 95 Stat. 165.
	46 App.:1241b note.	
50301(g)	46 App.:1241c.	Aug. 1, 1956, ch. 846, 70 Stat. 897; Pub. L. 97-31, § 12(130), Aug. 6, 1981, 95 Stat. 165.

In subsection (c), the words "Director of the Office of Management and Budget" are substituted for "Bureau of the Budget" in the Act of June 2, 1951 (ch. 121, 65 Stat. 59), because of sections 101 and 102 of Reorganization Plan No. 2 of 1970 (5 App. U.S.C.) and 31 U.S.C. ch. 5. The words "for the purposes of that appropriation" are omitted for clarity and for consistency in the subsection.

In subsection (d), the words "notwithstanding any other provisions of law" and "and consolidated with" are omitted as unnecessary.

In subsection (e), in paragraph (1), the words "Comptroller General" are substituted for "General Accounting Office" for consistency in the revised title and with other titles of the United States Code. Paragraph (2)(B) is substituted for "(except in cases where section 1212 of this Appendix is applicable)" because section 1212 applies to all vessels under a construction-differential subsidy contract.

In subsection (f), the words "On and after June 20, 1956", and the last proviso in the 4th complete par. at 70 Stat. 319 (46 App. U.S.C. 1241b note), are omitted as obsolete.

In subsection (g), the words "beginning July 1, 1956" and "after July 1, 1956" are omitted as obsolete.

SECTION 50302

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50302(a)	46 App.:867 (words before proviso).	June 5, 1920, ch. 250, § 8, 41 Stat. 992; Exec. Order No. 6166, June 10, 1933, § 12; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97-31, § 12(40), Aug. 6, 1981, 95 Stat. 156; Pub. L. 104-88, § 321(1), Dec. 29, 1995, 109 Stat. 949.
50302(b)	46 App.:867 (proviso).	

In subsection (a), before clause (1), the words "Secretary of the Army" are substituted for "Secretary of War" in section 8 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 992) because of sec-

tion 205(a) of the
501). See 10 U.S.C.
tus” and “applicar
words “consult,”
more grammatical
In subsection (c)
for “rates, charges,
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<i>Revised Section</i>	
50303	46

In subsection
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“lands” is omitt
the word “prom
transferred”, ref
section 202 of th
12(60)(A) of Publ

Subsection (b) business methods and to effectuate the conditions as he practice" for cons

<i>Revised Section</i>	
50304(a)	46
50304(b)	46
50304(c)	46

In subsections second paragraph (ch. 250, 41 Stat.) "such other dockment and facilities, rights of interests therein for military or naval purposes" the words "property" in Act, 1920 (ch. 2) substituted for "property" in this section", because the Marine Act paragraph is not provisions. The word

In clause (2), the words "with the permission of the owner" are substituted for "if the owner . . . cooperates in such use" for clarity.

SECTION 51308

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51308	46 App.:1295b(d).	June 29, 1936, ch. 858, title XIII, § 1303(d), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 2000.

SECTION 51309

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51309(a)	46 App.:1295b(g)(1).	June 29, 1936, ch. 858, title XIII, § 1303(g), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 2002; restated Pub. L. 108-136, title XXXV, § 3515(c), Nov. 24, 2003, 117 Stat. 1794.
51309(b)	46 App.:1295b(g)(2).	June 29, 1936, ch. 858, title XIII, § 1303(b)(8), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 99-368, § 5, Aug. 1, 1986, 100 Stat. 776.
51309(c)	46 App.:1295b(b)(8).	

SECTION 51310

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51310	46 App.:1295b(e)(5).	June 29, 1936, ch. 858, title XIII, § 1303(e)(5), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 2001; Pub. L. 97-31, § 12(144)(B), Aug. 6, 1981, 95 Stat. 166; Pub. L. 108-136, title XXXV, § 3515(b)(6), Nov. 24, 2003, 117 Stat. 1793.

SECTION 51311

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51311(a)	46 App.:1295b(b)(3)(F).	June 29, 1936, ch. 858, title XIII, § 1303(b)(3)(F), (c), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 1999, 2000; Pub. L. 105-261, div. A, title V, § 568, Oct. 17, 1998, 112 Stat. 2031; Pub. L. 106-65, div. A, title X, § 1066(b)(5), Oct. 5, 1999, 113 Stat. 772.
51311(b)	46 App.:1295b(c).	

SECTION 51312

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51312	46 App.:1295b(h).	June 29, 1936, ch. 858, title XIII, § 1303(h), as added Pub. L. 96-453, § 2, Oct. 15, 1980, 94 Stat. 2002; Pub. L. 97-35, title XVI, § 1607, Aug. 13, 1981, 95 Stat. 752; Pub. L. 101-595, title VII, § 703, Nov. 16, 1990, 104 Stat. 2994.

The words "Committee on ~~Transportation and Infrastructure~~" are substituted for "Committee on Merchant Marine and Fisheries" to

Armed Services

reflect change
gress.

Revised Section	
51313	

CHAPTER 5

Sec.
51501. General su
51502. Detailing o
51503. Regional r
51504. Use of train
51505. Annual pay
51506. Conditions
51507. Places of tr
51508. Allowances
51509. Student inc
51510. Deferment
ments.
51511. Midshipma

Revised Section	
51501(a)	46
51501(b)	46

Revised Section	
51502	46

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the definition of "

Revised Section	
51503	46 A

The reference to
the definition of "

SECTION 53310

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
53310(a)	46 App.:1161(g) (less (1)(B)).	June 29, 1936, ch. 858, title V, § 511(g), (h), as added Oct. 10, 1940, ch. 849, 54 Stat. 1107; June 17, 1943, ch. 130, subdvs. (c), (d), 57 Stat. 158; July 17, 1952, ch. 939, §§ 12, 13(a), 66 Stat. 763; Pub. L. 86-237, § 1, Sept. 8, 1959, 73 Stat. 471; Pub. L. 87-303, § 3, Sept. 26, 1961, 75 Stat. 661; Pub. L. 87-782, § 1, Oct. 10, 1962, 76 Stat. 796; Pub. L. 88-227, § 1, Dec. 23, 1963, 77 Stat. 470; Pub. L. 88-595, § 1, Sept. 12, 1964, 78 Stat. 943; Pub. L. 97-31, § 12(92), Aug. 6, 1981, 95 Stat. 161.
53310(b)	46 App.:1161(g)(1)(B).	
53310(c)	46 App.:1161(h).	

In this section, the language about joint regulations in 46 App. U.S.C. 1161(g) and (h) is omitted as unnecessary because of section 53302(b) of the revised title.

In subsection (a), the words "(i) two years from the date of deposit or the date of any extension thereof which may be granted by the Secretary of Transportation pursuant to the provisions of subsection (h) of this section, in the case of deposits made prior to the date on which these amendatory provisions become effective, or" in 46 App. U.S.C. 1161(g)(1) and (2) are omitted as obsolete. In clause (1)(A), the words "or, with the approval of the Secretary of Transportation, for a part interest in a new vessel or for the reconstruction or reconditioning of a new vessel" are substituted for "(or in the discretion of the Secretary of Transportation, for a part interest therein), or, with the approval of the Secretary of Transportation, for the reconstruction or reconditioning of a new vessel or vessels" to eliminate unnecessary words.

In subsection (c), the proviso in 46 App. U.S.C. 1161(h) is omitted as obsolete.

SECTION 53311

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
53311	46 App.:1161(i).	June 29, 1936, ch. 858, title V, § 511(i), as added Oct. 10, 1940, ch. 849, 54 Stat. 1107; July 17, 1952, ch. 939, § 13(b), 66 Stat. 764; Pub. L. 97-31, § 12(92)(A), Aug. 6, 1981, 95 Stat. 161.

The last sentence of 46 App. U.S.C. 1161(i) is omitted as obsolete.

SECTION 53312

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
53312	46 App.:1161(j).	June 29, 1936, ch. 858, title V, § 511(j), as added Oct. 10, 1940, ch. 849, 54 Stat. 1108.

The words "Notwithstanding any other provision of law" are omitted as unnecessary.

CHAPTER

<i>Sec.</i>	
53501.	Definitions.
53502.	Regulations.
53503.	Establishing
53504.	Deposits and
53505.	Ceiling on de
53506.	Investment a
53507.	Nontaxation
53508.	Separate accc
53509.	Qualified witi
53510.	Tax treatmen
53511.	Tax treatmen
53512.	FIFO and LIF
53513.	Corporate reo
53514.	Relationship
53515.	Records and r
53516.	Termination
53517.	Reports.

<i>Revised Section</i>	
53501(1)	46 Ap
53501(2)	46 Ap
53501(3)	46 Ap
53501(4)	46 Ap
53501(5)	46 Ap
53501(6)	46 Ap
53501(7)	46 Ap
53501(8)	46 Ap

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CHAPTER 535—CAPITAL CONSTRUCTION FUNDS

Sec.

53501. Definitions.
 53502. Regulations.
 53503. Establishing a capital construction fund.
 53504. Deposits and withdrawals.
 53505. Ceiling on deposits.
 53506. Investment and fiduciary requirements.
 53507. Nontaxation of deposits.
 53508. Separate accounts within a fund.
 53509. Qualified withdrawals.
 53510. Tax treatment of qualified withdrawals and basis of property.
 53511. Tax treatment of nonqualified withdrawals.
 53512. FIFO and LIFO withdrawals.
 53513. Corporate reorganizations and partnership changes.
 53514. Relationship of old fund to new fund.
 53515. Records and reports.
 53516. Termination of agreement after change in regulations.
 53517. Reports.

SECTION 53501

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
53501(1)	46 App.:1177(b)(3), (k)(3).	June 29, 1936, ch. 858, title VI, § 607(b)(3), (k)(1)-(3), (5)-(9), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23-28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17-19, 66 Stat. 764; Pub. L. 85-637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86-518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87-45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87-271, Sept. 21, 1961, 75 Stat. 570; re-stated Pub. L. 91-469, § 21(a), Oct. 21, 1970, 84 Stat. 1027, 1031, 1032; Pub. L. 93-116, Oct. 1, 1973, 87 Stat. 421; Pub. L. 97-31, § 12(97), Aug. 6, 1981, 95 Stat. 162.
53501(2)	46 App.:1177(k)(1). 46 App.:1177-1.	Pub. L. 94-455, title VIII, § 807, Oct. 4, 1976, 90 Stat. 1606.
53501(3)	46 App.:1177(k)(6).	
53501(4)	46 App.:1177(k)(8).	
53501(5)	46 App.:1177(k)(1) (last sentence), (2). 46 App.:1177-1.	
53501(6)	46 App.:1177(k)(9).	
53501(7)	46 App.:1177(k)(5).	
53501(8)	46 App.:1177(k)(7).	

➤ In clause (2)(A)(iii), the word "trade" is substituted for "commerce" for consistency in the chapter.

The codification of the laws in this chapter is not intended to alter the existing jurisdictional relationship of the Secretaries who administer those laws.

Source (Statutes at Large)

ch. 858, title V, § 511(g), (h), as 10, 1940, ch. 849, 54 Stat. 1107; 43, ch. 130, subdivs. (c), (d), 57 July 17, 1952, ch. 939, §§ 12, 13(a), 3; Pub. L. 86-237, § 1, Sept. 8, at. 471; Pub. L. 87-303, § 3, Sept. 5 Stat. 661; Pub. L. 87-782, § 1, 12, 76 Stat. 796; Pub. L. 88-227, 1963, 77 Stat. 470; Pub. L. 88-12, 1964, 78 Stat. 943; Pub. L. 92, Aug. 6, 1981, 95 Stat. 161.

regulations in 46 App. necessary because of section

rs from the date of de- which may be granted by the provisions of sub- osits made prior to the become effective, or" in d as obsolete. In clause he Secretary of Trans- l or for the reconstruc- substituted for "or in tion, for a part interest tary of Transportation, new vessel or vessels"

S.C. 1161(h) is omitted

Source (Statutes at Large)

ch. 858, title V, § 511(i), as 0, 1940, ch. 849, 54 Stat. 1107; 2, ch. 939, § 13(b), 66 Stat. 764; 1, § 12(92)(A), Aug. 6, 1981, 95

is omitted as obsolete.

Source (Statutes at Large)

ch. 858, title V, § 511(j), as 1940, ch. 849, 54 Stat. 1108.

provision of law" are

SECTION 53710

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
53710(a)(1)	46 App.:1274(b)(4).	June 29, 1936, ch. 858, title XI, § 1104A(b)(3)-(7), (h) [§ 1104A formerly § 1104], as added June 23, 1938, ch. 600, § 46, 52 Stat. 970; Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; Pub. L. 86-123, §§ 1(3), 2, July 31, 1959, 73 Stat. 269, 271; Pub. L. 86-127, § 1(3), (4), July 31, 1959, 73 Stat. 273; Pub. L. 86-518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 86-685, §§ 2, 3, Sept. 2, 1960, 74 Stat. 733; Pub. L. 90-341, June 15, 1968, 82 Stat. 180; Pub. L. 91-469, §§ 31, 32, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92-507, § 3, Oct. 19, 1972, 86 Stat. 911, 914; Pub. L. 97-31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 98-595, § 1(7), Oct. 30, 1984, 98 Stat. 3131; § 1104 renumbered as § 1104A, Pub. L. 101-380, title IV, § 4115(f)(1), Aug. 18, 1990, 104 Stat. 521; Pub. L. 103-160, title XIII, § 1356(3)(C), Nov. 30, 1993, 107 Stat. 1813.
53710(a)(2)	46 App.:1274(b)(5).	
53710(a)(3)	46 App.:1274(b)(3).	
53710(a)(4)	46 App.:1274(b)(6).	
53710(b)	46 App.:1274(b)(7).	
53710(c)	46 App.:1274(h).	

Insert
P. 114-A

In subsection (a)(3), the words "subject to the provisions of paragraph (2) of subsection (c) of this section" are omitted as unnecessary.

In subsection (a)(4)(B), the words "well equipped, in good repair, and in every respect seaworthy and fit for service" are substituted for "tight, stanch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, and in all respects fit for service" to eliminate unnecessary words.

In subsection (b)(1), the reference to section 503 of the Merchant Marine Act, 1936, is substituted for the reference to "subchapter V of this chapter" because the relevant characteristics referred to in the text are contained in that section and because that section is part of the construction-differential subsidy program, which is not being restated.

SECTION 53711

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
53711(a)	46 App.:1273(b).	June 29, 1936, ch. 858, title XI, § 1103(b), as added June 23, 1938, ch. 600, § 46, 52 Stat. 969; Aug. 15, 1953, ch. 513, § 1, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 3, 68 Stat. 1268; June 25, 1956, ch. 438, 70 Stat. 332; Aug. 7, 1956, ch. 1026, § 1(a), (c), (d), 70 Stat. 1087; Pub. L. 91-469, § 30, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92-507, § 3, Oct. 19, 1972, 86 Stat. 910; Pub. L. 97-31, § 12(136), Aug. 6, 1981, 95 Stat. 166.

Revised Section	
53711(b)	46

In subsection (b) considers necessary which may include as the Secretary words.

Revised Section	
53712(a)	46 A
53712(b)	46 A

Revised Section	
53713(a)	46 A bef

114-A

During review of this bill, the American Bureau of Shipping, through counsel, explained that it disagrees with an existing interpretation by the Maritime Administration of language restated in subsection (a)(4)(A) of this section, and requested the Committee to clarify that this codification should not be construed as a ratification of that regulatory interpretation. The Committee therefore states that this codification should not be construed as an expression of any opinion whatsoever concerning any such administrative interpretation.

In subsection (b)(1), the words "and fix a date for the going into effect of same" are omitted as surplus.

The provisos of 46 App. U.S.C. 811 relating to the Philippine Islands are omitted as obsolete because of the independence of the Philippine Islands. See Proc. No. 2695 of July 4, 1946, 11 Fed. Reg. 7517, 60 Stat. 1352 (22 U.S.C. 1394 note).

SECTION 55102

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55102	46 App.:883 (words before 1st proviso, 11th proviso).	June 5, 1920, ch. 250, § 27 (words before 1st proviso, 11th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 95-410, title II, § 213, Oct. 3, 1978, 92 Stat. 904; Pub. L. 101-329, § 1(a)(1), June 7, 1988, 102 Stat. 588; Pub. L. 102-587, title V, § 5501(b), Nov. 4, 1992, 106 Stat. 5085.

In subsection (a)(1), the words "(as defined in section 2101 of the [sic] title 46)" are omitted because the definition of "State" is being moved to chapter 1 and will apply to the entire title.

In subsection (b), the words "may not provide any part of the transportation of" are substituted for "No . . . shall be transported" and "or for any part of the transportation" because of the reorganization of the language. The words "including Districts, Territories, and possessions thereof" are omitted because of the definition of "United States" in chapter 1 of the revised title. The words "to which the coastwise laws apply" are substituted for "embraced within the coastwise laws" for consistency with section 55101. The words "unless the vessel has been issued a certificate of documentation with a coastwise endorsement under chapter 121" are substituted for "in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by section 808 of this Appendix or section 22 of this Act" for consistency with the documentation requirements for a coastwise endorsement under chapter 121 and to eliminate unnecessary words.

In subsection (c), the words "any person" are substituted for "any consignor, seller, owner, importer, consignee, agent, or other person or persons" to eliminate unnecessary words.

SECTION 55103

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55103	46 App.:289.	June 19, 1886, ch. 421, § 8, 24 Stat. 81; Feb. 17, 1898, ch. 26, § 2, 30 Stat. 248.

SECTION 55104

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55104(a)(1)	46 App.:289c(b) (related to meaning of certificate).	Pub. L. 98-563, Oct. 30, 1984, 98 Stat. 2916.
55104(a)(2)	46 App.:289c(e).	
55104(b)	46 App.:289c(a).	
55104(c)	46 App.:289c(b).	

Insert from p. 127.A

55103

127-A

This section is substituted for the source provision for consistency with section 55102. See 19 C.F.R. §§ 4.80, 4.80a (2003).

In subsection (b), the penalty amount reflects the adjustment for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note). See 19 C.F.R. § 4.80(b)(2) (2003).

ted because "exclusive economic zone" is defined in chapter 1 of the revised title.

SECTION 55111

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55111	46 App.:316(a), (b).	R.S. § 4370; June 11, 1940, ch. 324, 54 Stat. 304; Pub. L. 99-307, § 10, May 19, 1986, 100 Stat. 447; Pub. L. 100-329, § 2, June 7, 1988, 102 Stat. 589; Pub. L. 104-324, title XI, § 1115(b)(3), Oct. 19, 1996, 110 Stat. 3972.

In subsection (a), the words "or to do any part of such towing" and "other than a vessel in distress" in the source provision are made applicable to all the towing described in subsection (b) for clarity and consistency. The words "not wholly owned by a person who is a citizen of the United States within the meaning of the laws respecting the documentation of vessels" are omitted as unnecessary because a vessel may be issued a certificate of documentation only if wholly owned by a citizen of the United States. The text of 46 App. U.S.C. 316(b) is omitted as unnecessary because of the definition of "person" in section 1 of title 1 and because of section 12103 of the revised title.

In subsection (b)(1), the words "in the United States to which the coastwise laws apply" are substituted for "in the United States, its Territories or possessions, embraced within the coastwise laws of the United States" because of the definition of "United States" in chapter 1 of the revised title and because of section 55101 of the revised title.

In subsection (b)(3), the words "or place" are omitted as surplus. The words "as defined in the Presidential Proclamation of March 10, 1983" are omitted because "exclusive economic zone" is defined in chapter 1 of the revised title.

In ~~subsection (c)~~ (2), the words "which sum may be recovered by way of libel or suit" are omitted as surplus.

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SECTION 55112

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55112	46 App.:316a.	Pub. L. 107-295, title IV, § 404, Nov. 25, 2002, 116 Stat. 2114.

In subsection (a), the words "(as that term is defined in section 2101 of title 46, United States Code)" are omitted because the definition of "vessel of the United States" is being moved from section 2101 to chapter 1 of the revised title and will apply title-wide.

SECTION 55113

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55113	46:12101 note.	Pub. L. 104-324, title XI, § 1117, Oct. 19, 1996, 110 Stat. 3973.

In subsection (c), the penalty amounts reflect the adjustment for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note). See 19 C.F.R. § 4.92 (2003).

Revised Section

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55335. Revocations and terminations of designations.
55336. Civil penalty.

SUBCHAPTER I—GENERAL

SECTION 55301

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55301	46 App.:1121-1.	Pub. L. 96-387, § 5, Oct. 7, 1980, 94 Stat. 1546; Pub. L. 97-31, § 12(68), Aug. 6, 1981, 95 Stat. 159; Pub. L. 99-662, title IX, § 947, Nov. 17, 1986, 100 Stat. 4200.

SECTION 55302

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55302	46 App.:1241(a).	June 29, 1936, ch. 858, title IX, § 901(a), 49 Stat. 2015; Aug. 26, 1954, ch. 936, 68 Stat. 832; Pub. L. 104-316, title I, § 125, Oct. 19, 1996, 110 Stat. 3839.

In subsection (a), the words "by sea" are added for clarity. The words "a territory or possession of the United States" are substituted for "any of the possessions of the United States" for consistency in the revised title.

SECTION 55303

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55303	46 App.:1241(c).	June 29, 1936, ch. 858, title IX, § 901(c), as added May 28, 1956, ch. 325, 70 Stat. 187.

SECTION 55304

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55304	46 App.:1241-1.	Mar. 26, 1934, ch. 90, 48 Stat. 500; June 29, 1936, ch. 858, § 204, 49 Stat. 1987; Pub. L. 97-31, § 12(127), Aug. 6, 1981, 95 Stat. 165.

The words "Reconstruction Finance Corporation or" in the Joint Resolution enacted March 26, 1934 (ch. 90, 48 Stat. 500), are omitted as obsolete because the Reconstruction Finance Corporation was abolished by section 6 of Reorganization Plan No. 1 of 1957 (5 App. U.S.C.).

SECTION 55305

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55305(a)	46 App.:1241(b)(1) (2d, last provisos).	June 29, 1936, ch. 858, title IX, § 901(b), as added Aug. 26, 1954, ch. 936, 68 Stat. 832; Pub. L. 87-266, Sept. 21, 1961, 75 Stat. 565; Pub. L. 91-469, § 27, Oct. 21, 1970, 84 Stat. 1034; Pub. L. 97-31, § 12(126), Aug. 6, 1981, 95 Stat. 165.
55305(b)	46 App.:1241(b)(1) (words before 1st proviso).	

This section codifies the Joint Resolution of March 26, 1934 (ch. 90, 48 Stat. 500) (also commonly known as Public Resolution 17). The codification of this provision is not intended to change its status as a "Sense of Congress" provision in any way. The words "Reconstruction Finance Corporation or" are omitted as obsolete because the Reconstruction Finance Corporation was abolished by section 6 of Reorganization Plan No. 1 of 1957 (5 App. U.S.C.).

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REFERENCES

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SECTION 55314—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	46 App.:1241o.	June 29, 1936, ch. 858, title IX, §901k, as added Pub. L. 99-198, title XI, §1142, Dec. 23, 1985, 99 Stat. 1496.
55314(a)(2)	46 App.:1241f(c)(2).	
55314(b)	46 App.:1241f(b), (d).	
55314(c)	46 App.:1241f(c)(1), (3), (4).	

In subsection (a)(1), before clause (A), the text of 46 App. U.S.C. 1241f(a)(2)(A) and (B) is omitted as obsolete. Clauses (A) and (B) are substituted for 46 App. U.S.C. 1241o to improve the organization and to eliminate unnecessary words.

In subsection (a)(2), the words "the 12-month period beginning October 1 of each year" are substituted for "12 month periods commencing April 1, 1986, the 18-month period beginning April 1, 2002, and the 12-month period beginning October 1, 2003, and each year thereafter" to eliminate obsolete and unnecessary language.

In subsection (c)(4), before clause (A), the words "or instrumentality" are omitted as unnecessary because of the definition of "agency" in chapter 1.

SECTION 55315

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55315	46 App.:1241g.	June 29, 1936, ch. 858, title IX, §901c, as added Pub. L. 99-198, title XI, §1142, Dec. 23, 1985, 99 Stat. 1493.

In subsection (b), the words "For fiscal year 1986 and" are omitted as obsolete.

SECTION 55316

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55316(a)	46 App.:1241h(a).	June 29, 1936, ch. 858, title IX, §901d, as added Pub. L. 99-198, title XI, §1142, Dec. 23, 1985, 99 Stat. 1493.
55316(b)	46 App.:1241h(b).	
55316(c)	46 App.:1241h(c).	
55316(d)	46 App.:1241h(d) (last sentence).	
55316(e)(1)	46 App.:1241h(d) (1st sentence).	
55316(e)(2)	46 App.:1241h note.	Pub. L. 100-202, 101(a) [title V (par. under heading "Ocean Freight Differential")], Dec. 22, 1987, 101 Stat. 1329, 1329-27.
55316(f)	46 App.:1241h(e).	

In subsection (b)(2), the words "section 412(e) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f(e))" are substituted for "section 1733(b) of title 7" because the latter provision, as amended in 1990, no longer contains provisions on valuation of commodities shipped from the inventory of the Commodity Credit Corporation, and a provision substantially the same as former 7 U.S.C. 1733(b) is now at 7 U.S.C. 1736f(e).

(d)

See section 12(b)(2) for an ~~additional~~ amendment to subsection (c) of this section.

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In subsection (a), the text of 46 App. U.S.C. 808a is omitted as unnecessary. In clause (1), the words "owned by a citizen of the United States" are omitted as unnecessary because ownership by a citizen is a requirement for documentation. See section 12103 as revised by the bill.

In subsection (c), before clause (1), the words "Notwithstanding any other provision of this subtitle, the Merchant Marine Act, 1936, or any contract with the Secretary made under this subtitle or that Act" are substituted for "Notwithstanding subsection (c)(2) of this section, the Merchant Marine Act, 1936 [46 App. U.S.C. 1101 et seq.], or any contract entered into with the Secretary of Transportation under that Act" because the Merchant Marine Act, 1936, is restated principally in this subtitle, but other provisions of that Act are being neither restated nor repealed.

SECTION 56103

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
56103(a)	46 App.:835(a)-(c) (less provisos), (d)-(f).	Sept. 7, 1916, ch. 451, § 37, as added July 15, 1918, ch. 152, § 4, 40 Stat. 901; Exec. Order No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 89-346, § 2, Nov. 8, 1965, 79 Stat. 1306; Pub. L. 97-31, § 12(30), Aug. 6, 1981, 95 Stat. 156.
56103(b)	46 App.:835(c) (provisos).	
56103(c)	46 App.:835 (2d par. after cl. (f), last par. words before 9th comma).	
56103(d)	46 App.:835 (last par. words after 9th comma).	
56103(e)	46 App.:835 (1st, 3d pars. after cl. (f)).	

In this section, the words "facility for building or repairing vessels" are substituted for "shipyard, dry dock, shipbuilding or ship-repairing plant or facility" (or similar language) to eliminate unnecessary words.

In subsection (a)(1), the words "transfer to" are omitted as surplus. The words "Territory, District, or possession thereof" are omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

In subsection (a)(3), the words "instrument of indebtedness" are substituted for "bond, note, or other evidence of indebtedness" to eliminate unnecessary words. The words "right, title, or" are omitted as unnecessary.

In subsection (a)(5), the words "or the majority of the voting power" are omitted as covered by "controlling interest".

In subsection (b)(1), before clause (A), the words "and only if" are added for clarity because the Secretary is required to disapprove a trustee that ceases to meet the specified conditions.

Subsections (c) and (d) are substituted for the source provisions to eliminate unnecessary words.

In subsection (e)(1), the words "guilty of a misdemeanor" are omitted, and the words "fined under title 18" are substituted for

CHAPTER 703—MARITIME SECURITY

Sec.

70301. Definitions.
 70302. International measures for seaport and vessel security.
 70303. Security standards at foreign ports.
 70304. Travel advisories on security at foreign ports.
 70305. Suspension of passenger services.
 70306. Report on terrorist threats.

SECTION 70301

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70301	46 App.:1807.	Pub. L. 99-399, title IX, §911, Aug. 27, 1986, 100 Stat. 892.

In clause (2), the term "vessel of the United States" is omitted because the definition of that term in 46 U.S.C. 2101 is being moved to chapter 1 of the revised title and will apply generally throughout the title.

SECTION 70302

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70302	46 App.:1801.	Pub. L. 99-399, title IX, §902, Aug. 27, 1986, 100 Stat. 889.

The word "vessel" is substituted for "shipboard" for consistency in the revised title. The words "and commends him on his efforts to date" are omitted as unnecessary.

SECTION 70303

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70303	46 App.:1803.	Pub. L. 99-399, title IX, §907(a), (b), (d), (e), Aug. 27, 1986, 100 Stat. 891.

The definition of "Secretary" is added and the term is substituted for "Secretary of Transportation" because the functions under this section are carried out by the Coast Guard and its functions have been transferred to the Department of Homeland Security (except when operating as a service in the Navy) by section 888 of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2249).

SECTION 70304

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70304	46 App.:1804.	Pub. L. 99-399, title IX, §908, Aug. 27, 1986, 100 Stat. 891; Pub. L. 105-277, div. G, title XXII, §2224(b), Oct. 21, 1998, 112 Stat. 2681-819.

In subsection (b), the words "with respect to which the Secretary of Transportation had made the determination described in section 1803(d) of this Appendix" are omitted as unnecessary.

In clause (3), the definition of "Secretary" is new. The functions of the Secretary of Transportation under this chapter were carried out by the Coast Guard, and its functions have been transferred to the Department of Homeland Security (except when operating as a service in the Navy) by section 888 of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2249).

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words "new . . . and existing containers which are subject to this chapter" are omitted as obsolete. Clauses (2) and (3) are substituted for "test, inspect, and approve designs for new containers and new containers being manufactured" to eliminate unnecessary words. In clause (4), before subclause (A), the words "is subject to this chapter" are omitted as unnecessary. In subclause (A), the word "valid" is omitted as unnecessary. In clause (5), the words "or regulations prescribed under this chapter" are added for consistency. In clause (6), the word "valid" is omitted as unnecessary.

In subsection (b)(3), the words "appropriation for the operating expenses of the Coast Guard" are substituted for "appropriations bearing the cost thereof" for clarity.

In subsection (d)(2), the word "reasonably" is omitted as unnecessary.

In subsection (e), the words "which first occurs" are omitted as unnecessary. In clause (1), the words "the Secretary declares" are substituted for "is declared by the Secretary, or under regulations promulgated by the Secretary" to eliminate unnecessary words.

SECTION 80506

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80506	46 App.:1503(c)(2), (d).	Pub. L. 95-208, § 4(c)(2), (d), Dec. 13, 1977, 91 Stat. 1477.

Subsections (a) and (f) are substituted for 46 App. U.S.C. 1503(c)(2) and (d) (1st sentence) to improve the organization of the section.

In subsection (b)(1), the words "person to whom authority is to be delegated" are substituted for "person, public or private agency, or nonprofit organization as a recipient of delegated functions under such subsection" to eliminate unnecessary words.

Subsection (b)(2) is substituted for "the manner in which such recipient shall carry out such delegated functions, including the records such recipient must keep, and a detailed description of the exact functions such recipient may exercise" to eliminate unnecessary words.

Subsections (c)-(e) are substituted for 46 App. U.S.C. 1503(d) (last par.) to improve the organization of the section and to eliminate unnecessary words.

SECTION 80507

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80507	46 App.:1506.	Pub. L. 95-208, § 7, Dec. 13, 1977, 91 Stat. 1479.

In subsection (a), the words "in any manner" and "to the Secretary or his agents" are omitted as unnecessary. The words "or a regulation prescribed under this chapter" are added for consistency.

In subsection (b), the words "employee alleging to be the subject of a violation of subsection (a) of this section may file a complaint" are substituted for "employee who believes that he has been discharged or discriminated against in violation of this section may

... file a complaint alleging discrimination" to eliminate unnecessary words.

In subsection (c), the word "appropriate" is omitted as unnecessary.

SECTION 80508

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80508	46 App.:1507.	Pub. L. 95-208, § 8, Dec. 13, 1977, 91 Stat. 1479.

SECTION 80509

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80509	46 App.:1505.	Pub. L. 95-208, § 6, Dec. 13, 1977, 91 Stat. 1478.

In subsection (a), the words "On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention" are omitted as obsolete. The words "liable to the United States Government for a civil penalty" are substituted for "subject to a civil penalty" for consistency in the revised title.

In subsection (b)(2), the words "In determining the amount of" are substituted for "In assessing, remitting, mitigating, or compromising" to eliminate unnecessary words.

SECTION 11—MARITIME ADMINISTRATION

Section 11 of the bill amends section 109 of title 49.

SECTION 109

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
109(a)	46 App.:1111 note.	Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 201, 64 Stat. 1276.
109(b)	46 App.:1601. 46 App.:1111 note.	Pub. L. 97-31, § 2, Aug. 6, 1981, 95 Stat. 151. Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 201, 75 Stat. 842; Pub. L. 88-426, title III, § 305(19)(B), Aug. 14, 1964, 78 Stat. 425; Pub. L. 91-469, § 38(a), Oct. 21, 1970, 84 Stat. 1036.
109(c)	46 App.:1603. 46 App.:1111 note.	Pub. L. 97-31, § 4, Aug. 6, 1981, 95 Stat. 151. Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 203, 64 Stat. 1276.
109(d)	46 App.:1111 note.	Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 204, 64 Stat. 1276.
109(e)	46 App.:1602. 46 App.:1213(b).	Pub. L. 97-31, § 3, Aug. 6, 1981, 95 Stat. 151. June 29, 1936, ch. 858, title VIII, § 809(b), as added Pub. L. 94-10, § 3, Mar. 23, 1975, 89 Stat. 16; Pub. L. 97-31, § 12(121), Aug. 6, 1981, 95 Stat. 164.
109(f)	46 App.:1122(d).	June 29, 1936, ch. 858, title II, § 212(d), 49 Stat. 1990; Pub. L. 97-31, § 12(69), Aug. 6, 1981, 95 Stat. 159.
109(g)	46 App.:1111(f) (2d sentence related to Secretary).	June 29, 1936, ch. 858, title II, § 201(f) (2d sentence related to Secretary), 49 Stat. 1986; Aug. 4, 1939, ch. 417, § 4, 53 Stat. 1182; Pub. L. 97-31, § 12(58)(D), Aug. 6, 1981, 95 Stat. 158.

Revised Section	
109(h)	41
109(i)(1)	41
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109(i)(3)	41

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way. The amendment strikes the reference to section 211(a) of that Act (46 App. U.S.C. 1121(a)) because the substance of the third sentence of the amended provision is restated, along with 46 App. U.S.C. 1121(a), in section 50103 of title 46.

SECTION 14—ADDITIONAL AMENDMENTS TO TITLE 46

Section 14 of the bill makes additional amendments to title 46 to replace references to provisions which are repealed and restated by the bill with references to the corresponding new provisions, and to fix typographical errors. Other amendments are explained as follows:

Certain definitions in section 2101 which are restated in chapter 1 as title-wide definitions are repealed.

Section 2108 is repealed because it is revised and restated as section 504 of title 46.

Section 2301 is amended to include a reference to section 2304 because of the amendment to section 2304.

Section 2304 is amended to restate 46 App. U.S.C. 731 as it relates to section 2304. The remainder of 46 App. U.S.C. 731 is restated in section 80107(d) of title 46.

In section 14305(a)(6), the reference to 46 App. U.S.C. 883 is replaced with only a reference to section 12132 of title 46, which restates the first proviso of 46 App. U.S.C. 883. That is because only the first proviso of 46 App. U.S.C. 883 is relevant to the alternative tonnage measurement determined in accordance with section 14305.

~~Section 31342(b) is amended to incorporate the definition of "public vessel" in section 30101(3) of title 46 because chapter 301 is being repealed and replaced.~~

SECTION 15—CONFORMING AMENDMENTS TO OTHER LAWS

Section 15 of the bill makes conforming cross reference amendments to positive law titles of the United States Code and the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

SECTION 16—LEGISLATIVE CONSTRUCTION AND TRANSITIONAL PROVISIONS

Section 16 of the bill contains provisions relating to legislative construction and transitional provisions.

SECTION 17—REPEALS

Section 17 of the bill repeals laws replaced by the bill and laws that are obsolete or superseded.

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Section 15(i) of the bill amends section 5501(a) of the Oceans Act of 1992 (Public Law 102-587, 106 Stat. 5084) by adding a new paragraph (3). The intent of this amendment is to maintain the status quo under paragraph (2) of section 5501(a) of that Act, as it exists prior to the enactment of this codification legislation. Section 55109 of title 46, United States Code, as contained in this bill, is intended as a codification without substantive change of section 1 of the Act of May 28, 1906, as amended (46 App. U.S.C. 292). Therefore, the exceptions from that latter provision, which currently exist under such paragraph (2), are intended to continue to exist to the same extent under new section 55109 of title 46. In addition, if the original intent of such paragraph (2) was that the restriction contained in the pre-1992 amended version of that 1906 provision continues to apply to the vessels, persons, and entities described in such paragraph (2), then that outcome is intended to remain unchanged by this legislation, despite the repeal by this legislation of that 1906 provision. No expression as to the original intent of such paragraph (2) is intended by this legislation.